

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

SYLVESTER L. EVANS, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 1:20-cv-31-TBM-RPM

**ASHLEY D. LEMONS *and*
LARHONDA LEMONS**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [21] entered by United States Magistrate Judge Robert P. Myers, Jr. on May 3, 2021. After considering the submissions of the Plaintiff, the record, relevant legal authority, and after conducting a screening hearing on February 11, 2021, Judge Myers concluded that the Plaintiff's case centers on issues of parental and visitation rights relating to his child. Accordingly, Judge Myers recommends that the Complaint [1] be dismissed for lack of jurisdiction. *Crouch v. Crouch*, 566 F.2d 486, 487 (5th Cir. 1978). The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error." *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (citing *Douglas v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Parker's Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [21] entered by United States Magistrate Judge Robert P. Myers, Jr. on May 3, 2021 is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this case is DISMISSED without prejudice.

THIS, the 28th day of June, 2021.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE